IN THE HIGH COURT OF JUDICATURE
FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

S.B. CIVIL WRIT PETITION NO.7680/2007.

Jaipal Singh & Ors.
Vs.
Ajmer Vidyut Vitaran Nigam Ltd. & Ors.

Date of Order : 10/10/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Yogesh Kumar Sharma for the petitioners.

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BY THE COURT:-

Heard learned counsel for the petitioners.

2) The plaintiff-petitioners have challenged the order dated 2/5/2007 whereby the learned trial court court rejected their application filed by them under Order 11 Rule 12 CPC. The application was filed for summoning the original letter dated 13/2/2003 written by Executive Engineer (Circle-C) Sikar whereby police force has been asked to vacate the

petitioner, the original stock register meter, meter issuing register, gate pass, order regarding electricity connection, bill issuing register, meter reading register etc. That application was rejected by the learned trial court on the premise that petitioner filed a suit under Section 6 of the Specific Relief Act for recovery of possession of his property which was allegedly taken possession by the respondents. The stand of the respondent-Ajmer Vidyut Vitaran Nigam Ltd. with regard to possession before the court was that he has title therein. Already, statements of 34 witnesses have already been recorded at the instance of the plaintiff and more than 100 documents exhibited. The learned trial court rejected the application holding that the plaintiff has not furnished any particulars / details to show as to how these documents would be relevant and necessary for decision of the controversy. Petitioner filed review petition against the said order before the said court

which however too rejected the same vide order dated 2/5/2007.

3) Having heard learned counsel for the petitioner and perused the documents on record and the impugned-order, I find that the aforesaid review petition was filed by the petitioner at the very belated stage. The suit appears to have been filed in the year 2003 and large number of witnesses have been examined by the plaintiff and over 100 documents were produced. The application was therefore moved at very belated stage besides, petitioner could not show as to what is the relevancy for summoning the documents and in which manner they are necessary for deciding the controversy in the matter.

4) I find no error in the impugned-order in rejecting the application.

The writ petition is therefore dismissed in limine.

(MOHAMMAD RAFIQ), J.

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